

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

HOLLANT M. ADRIEN, Ph.D,

Plaintiff, : Case No. 3:13-cv-385

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WITTENBERG UNIVERSITY, et al.,

Defendants. :

REPORT AND RECOMMENDATIONS

Plaintiff Hollant Adrien filed this case *pro se* November 5, 2013 (Doc. No. 1). On November 21, 2013, the Magistrate Judge issued an Order pursuant to 28 U.S.C. § 1915 permitting the case to proceed and providing “if presented with process in proper form, the Clerk shall issue process directed to each of the Defendants. Likewise, if presented with properly prepared United States Marshal forms for service, the Clerk shall direct those forms to the Marshal who shall serve process herein.” *Id.* at PageID 1383. At considerable public expense, the United States Marshal effected service of process in the case (Doc. No. 13).

On February 25, 2014, the Magistrate Judge set an in-person scheduling conference for April 4, 2014, and required the parties to consult to prepare a report for that conference under Fed. R. Civ. P. 26(f). On March 18, 2014, Plaintiff filed a motion for continuance which the Court denied without prejudice because Plaintiff had failed to consult with opposing counsel (Doc. No. 31 and notation order

denying). No other motion for continuance was filed and Defendants reported that multiple attempts to contact the Plaintiff to conduct the required conference had been unsuccessful (Doc. No. 32).

This case came on for scheduling conference in open court at 9:30 A.M. on Friday, April 4, 2014. Each Defendant was represented by counsel of record, but Plaintiff failed to appear as ordered.

It is accordingly respectfully recommended that this action be dismissed without prejudice for want of prosecution.

April 4, 2014.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).